

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION

In the Matter of)
)
Truth-in-Billing)
)
and)
)
Billing Format)
_____)

CC Docket No. 98-170

REPLY COMMENTS OF THE UNITED STATES TELEPHONE ASSOCIATION

The United States Telephone Association (USTA), through counsel and pursuant to the Public Notice¹ concerning the filing of reply comments in this proceeding, hereby replies to certain comments filed herein.

DISCUSSION

USTA reiterates the principal point made in its comments² — that it may be appropriate for the Federal Communications Commission (FCC) to adopt general principles that acknowledge the need of telephone customers to receive a telephone bill that is clear, concise,

¹ Public Notice, CC Docket No. 98-170, DA No. 98-2411, rel. Nov. 25, 1998, extending the date for reply comments in the proceeding to December 16, 1998.

² See Comments of the United States Telephone Association, filed herein on November 13, 1998.

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accurate, and provides sufficient information to allow customers to questions and correct unauthorized or erroneous charges. The FCC would be well advised, though, not to proceed down the path of prescribing how carriers must implement such principles or prescribing comprehensive bill format and content rules. If nothing else, the substantial and diverse number of comments filed in this proceeding demonstrate that the FCC will quickly move from the slippery slope that it is on to the abyss if it moves forward with detailed billing format and content rules. It will create conflicts with federal, state and local agencies that already actively monitor and enforce consumer protection laws. It will raise carriers' costs with minimal, if any, demonstrable consumer benefit. It will constrain the ability of carriers to respond to the various billing needs of their customers and stifle innovation in the process. Accordingly, the FCC should forgo consideration of telephone bill rules.

USTA urges the FCC to not be drawn in by the siren song of the service provider industry that seeks to acquire special rights of access to carriers', in particular incumbent local exchange carriers (ILECs), bills.³ Billing for unaffiliated parties is not a common carrier service. As the FCC stated in the Notice, a carrier's provision of billing and collection services for an unaffiliated carrier is not subject to Title II of the Communications Act.⁴ The same is true for an unaffiliated non-carrier service provider. Nothing has changed since the release of its 1986

³ See Comments of the Electronic Commerce Association at pp. 2-3; Comments of Pilgrim Telephone, Inc., at pp. 7-13 and 20-22.

⁴ *Truth-in-Billing and Billing Format*, Notice of Proposed Rulemaking, CC Docket No. 98-170, FCC 98-232 (rel. Sept. 17, 1998) (Notice), at ¶ 12.

Detariffing Order⁵ that would warrant revisiting this conclusion. To the contrary, more alternative sources for unaffiliated carrier billing and collection services exist today than have ever existed before, and one can only guess what the opportunities will ultimately be for electronic billing and collection services.

The FCC should do nothing to limit the ability of carriers to aggressively deal with bad actors who use their bills to defraud and deceive customers. Bad actors should not be given the right to hide behind the good names and telephone bills of responsible carriers as those bad actors engage in the victimization of customers. Carriers should continue to have the absolute right, subject to generally applicable laws governing commercial transactions, to offer their billing and collection services to those unaffiliated carriers and service providers that are willing to accede to the carriers' high standards for customer service and fair dealing.

USTA does not support unreasonable discrimination.⁶ Nonetheless, USTA does not agree with the Coalition to Ensure Responsible Billing that the FCC should impose a nondiscrimination requirement on local exchange carriers (LECs) with respect to their provision of billing and collection services; nor does USTA agree with the Coalition that the Commission has jurisdiction to promote competition in the billing and collection services market.⁷

Unaffiliated carriers and service providers who act responsibly have no reason to fear that they will be treated in an unreasonably discriminatory manner by LECs. LECs have every reason to

⁵ *Detariffing of Billing and Collections Services*, Report and Order, 102 F.C.C.2d 1150 (1986) (Detariffing Order).

⁶ See Comments of the Coalition to Ensure Responsible Billing at pp. 3-6.

⁷ Id. at pp. 6-11.

treat unaffiliated carriers and service providers in a fair and reasonable manner because they want their business, to the extent that providing billing and collection services to these unaffiliated carriers and service providers does not redound to the detriment of the LEC or the LEC's customers.

Several commenters have used this proceeding as yet another vehicle through which to engage in gratuitous RBOC and ILEC bashing.⁸ To the extent that much of the comment represents the same nonconstructive whine that finds its way into too many of the pleadings of these commenters, it does not merit rebuttal. There is one argument presented that seems to tie these comments together and does require a response. It is that while there is no apparent merit in the FCC adopting billing format and content rules for carriers in general, there purportedly is merit in having billing rules that would only apply to RBOCs and ILECs. This position is both hypocritical and self-serving on its face and should be summarily rejected by the FCC. If the focus is truly on advantaging customers and not RBOC and ILEC competitors, then the appropriateness of billing rules should be determined on bases unrelated to nature of the carrier rendering the bill. The notion that RBOCs and other ILECs have engaged in conduct related to billing and collection services that justifies singling them out for special treatment is unsupported and flies in the face of the fact many unaffiliated carriers and service providers are demanding a right of access to the RBOC and ILEC billing and collection services.

Finally, it was suggested by the Asian Pacific Islander American Consumer Coalition that the FCC gather information regarding the measures that major LECs and interexchange carriers

⁸ See generally Comments of Competitive Telecommunications Association and Comments of America's Carriers Telecommunication Association.

(IXCs) are currently taking to serve non-English speaking and limited English speaking customers.⁹ USTA believes that this is not an appropriate undertaking for the FCC. It may well be that there are geographic areas where it may be appropriate to conduct such an inquiry. Decisions whether to proceed with this type of data collection should be made, though, at a state or local level so that: 1) a proper cost benefit analysis can be done to determine the advisability of the data collection effort; 2) the data collection effort can be appropriately targeted; and 3) a commitment to using the data for a constructive purpose can be agreed upon by all affected parties before data collection is undertaken. USTA urges the FCC to decline this request.

Respectfully submitted,

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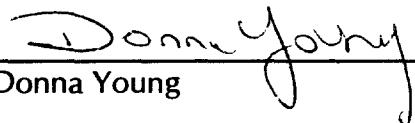
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December 16, 1998

⁹ Reply Comments of Asian Pacific Islander American Consumer Coalition at pp. 8.

CERTIFICATE OF SERVICE

I, Donna Young, do certify that on December 16, 1998, copies of the accompanying Reply Comments of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.


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